



San José Police Department

November 14, 2017

Officer Brent Osborn #4217
201 W. Mission Street
San Jose, CA 95110

Re: Notice of Discipline

Dear Officer Osborn:

On May 10, 2017, a Skelly Conference was requested on your behalf in order to provide you with an opportunity to respond to the Notice of Intended Discipline dated May 4, 2017. The Skelly Conference was scheduled for October 24, 2017. A written response dated October 23, 2017 from your attorney was provided in lieu of your personal appearance at the Skelly Conference. The information contained in the October 23, 2017 written response was considered.

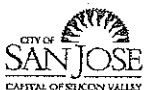
Pursuant to the authority delegated to me by the City Manager, this letter is to notify you that you will be **suspended without pay for a period of twenty (20) hours** from your position of Police Officer (2215) in the San Jose Police Department effective November 25, 2017. I am also directing you receive additional training in felony car stops and related tactics from the Departments' Training Unit.

This disciplinary action is based upon the following:

1. On or about December 1, 2015, while responding to a report of a stolen vehicle, you initiated a high risk, felony enforcement stop by positioning your police vehicle "head-on" with the occupied suspect stolen vehicle. In addition, you exited your police vehicle and physically positioned yourself in the direct path of the occupied suspect stolen vehicle.

This conduct is cause for discipline pursuant to San Jose Municipal Code Section 3.04.1370:

(B) Misconduct



- (E) Failure to observe applicable rules and regulations
- (T) Misuse of city property
- (V) Any other act, either during or outside of duty hours which is detrimental to the public service.

Your conduct is in violation of San Jose Police Department Duty Manual section L 2641.5 – Shooting at Moving Vehicles.

2. On or about December 1, 2015, while responding to a report of a stolen vehicle, you fired five rounds from your Department issued handgun into the side door of the occupied suspect stolen vehicle striking the suspect.

This conduct is cause for discipline pursuant to San Jose Municipal Code Section 3.04.1370:

- (B) Misconduct
- (E) Failure to observe applicable rules and regulations
- (T) Misuse of city property
- (V) Any other act, either during or outside of duty hours which is detrimental to the public service.

Your conduct is in violation of San Jose Police Department Duty Manual section L 2641.5 – Shooting at Moving Vehicles.

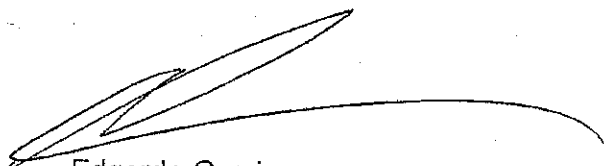
In addition to considering the significance of the acts noted above, I have also reviewed your personnel history and noted that you have been employed with the City since approximately September 21, 2012.

Pursuant to San Jose Municipal Code Section 3.04.1390, you may appeal this matter to the Civil Service Commission by filing a written request for a hearing with the Clerk of the Commission no later than **twenty (20) calendar days** after this notice is personally served to you or no later than **twenty (20) calendar days** from the date shown on the affidavit attached to this notice if service is by mail. **IF YOU WISH TO FILE SUCH AN APPEAL, IT IS YOUR RESPONSIBILITY TO MAKE SURE THE WRITTEN REQUEST FOR A HEARING IS FILED WITHIN THESE TIME LIMITS.**

Alternatively you may, with the agreement of the San Jose Police Officers' Association (POA), appeal this action through the grievance procedure pursuant to Article 25.8 of the Memorandum of Agreement (MOA) between the City of San Jose and the POA. Such appeal must comply with the procedures, including time limits, specified in the MOA.

Please be aware that it is a violation of the City's Non-Retaliation Policy (City Policy Manual Section 1.1.4) to retaliate in any way against any person who participates in making a complaint, provides information, or otherwise participates in an investigation related to misconduct or violations of City policies or regulations.

Sincerely,



Edgardo Garcia
Chief of Police

EG:bm

cc: Office of Employee Relations
Personnel File
Civil Service Commission